

City of Milpitas
Unapproved Minutes
Telecommunications Commission
March 17, 2003

I. Call to Order & Roll Call:

Chair Alcorn called the meeting to order.

Members Present: A. Alcorn, N. Gupta, P. Peterson, I. Munir
R. Gopalara, V. Mathur, G. Ali-Santosa, D. Gupta, W. Lam,
A. Ettinger

I.S. Staff: T. Medina, E. Pasion City Council: A. Gomez

Members Absent: P. Gupta,

II. Pledge of Allegiance:

The Commission recited The Pledge of Allegiance.

III. Announcements:

There were no announcements made before the Commission.

IV. Approval of the Agenda:

Motion to approve the agenda as submitted.

M/S N. Gupta / D. Gupta Ayes: 10

**V. Approval of the Minutes
February 24, 2003**

Motion to approve the minutes as submitted.

M/S N. Gupta/ G. Alisantosa Ayes: 10

VI. Citizen's Forum

No comments were taken from the audience.

VII. Continued-New Business:

1. 50 Anniversary Planning Group Volunteers.

The City Council had instructed staff to begin planning for the City's 50th Anniversary celebration for 2004 and requested that representation from all of the city's commission be offered.

Chair Alcorn reported that Commissioner Munir and Commissioner Lam were interested in volunteering to serve on the City's 50th Anniversary planning committee.

The Chair has requested for a motion on the two Commission members to represent the Telecommunications Commission.

Motion to nominate Idrees Munir to represent the Telecom Commission to the City's 50th Anniversary planning committee.

M/S D. Gupta/N. Gupta Ayes: 10

Motion to nominate William Lam as Alternate to the City's 50th Anniversary planning committee.

M/S N. Gupta/R. Gopal Rao Ayes: 10

2. Sprint Wireless Installation.

Planning Manager, Tambri Hayden, provided a summary of the Sprint cellular antenna installation request at 1989 E. Calaveras Blvd at the Mount Olive Lutheran Church.

A review of the project was conducted by staff and found that the installation was complete with no outstanding technical issues.

Motion to approve the project with the condition that proper notification be placed the fire control point of the facility for public safety necessity.

M/S D. Gupta/N. Gupta Ayes: 10

3. Verizon Wireless Installation

Planning Manager, Tambri Hayden, provided a summary of the Verizon cellular antenna installation request at 341 Great Mall Parkway.

Staff noted that this location has several existing wireless providers already in operation and had received previous approval from the City.

In the review of the project, staff noted that additional information be provided addressing radiation exposure to passing light rail cars. Additionally, the applicant provide to the city information stating that distance between the light rail tracks and the antennas location are within safe occupational use guidelines.

Motion to approve the project with the condition that an updated questionnaire is submitted and that proper notification be placed the fire control point of the facility for public safety necessity.

M/S D. Gupta/N. Gupta Ayes: 10

4. Antenna Ordinance Review.

Staff introduced Planning Department manager Tambri Heyden. She provided a summary of the proposed updates to Section 2 of the City's zoning code for calendar year 2003.

She noted the requested changes and additions to the ordinance, as discussed at the Commissions February meeting, included addressing the following items;

Maximum wind load specifications ranging from 80 in the hills to 70 on the valley floor area; Antenna colors should be gray, black or white colors; Quantity of satellite dishes and all types of antennas should be limited to two per lot;

Eliminations of redundant phrases; Allowance for multifamily residential units to install antennas.

Chair Alcorn welcomed members of the audience to comment and present a video presentation to the Commission.

Commissioner Alisantosa requested clarification on the draft ordinance. He noted that the subcommittee was to review the ordinance before any final recommendations are made and he felt that a recommendation was already being presented to the Planning Commission based on the information being given to the group.

Chair Alcorn noted that the planning staff was continually making changes to the ordinance and that subcommittee was in the process of reviewing the ordinance.

Planning Manager Heyden noted that revisions are being made and presented to the Planning Commission for recommendations noting that the Commission is also a recommending body to the City Council. In put will added and modifications will also be presented back to the Telecom Commission. She noted that planning staff would make presentations on March 26 to the Planning Commission and City Council on May 6 and in the meantime continue to gather input from the Telecom Commission subcommittee.

Commissioner Alisantosa was concerned with this process but would discuss this later in the meeting.

Chair Alcorn noted that the telecom subcommittee is working on reviewing the ordinance and will report back to the body on its recommendations.

Lloyd Vancil, 241 N. Abbott, Milpitas, and president of the Milpitas Amateur Radio and Electronics Society, presented a video and distributed information to the Commission relating to amateur radio operations.

Commissioner Gopalarao asked in what way the proposed ordinance is not meeting their goals and requirements.

Commissioner Alisantosa asked if the Mr. Vancil had received the modified ordinance for the discussion. Mr. Vancil said he did not review the draft ordinance.

Mr. Vancil noted that the ordinance being presented to the Commission had several technical mistakes. He added that amateur radio antennas operate either on one frequency or one set of frequencies ranging from 160 meters to millimeters. By limiting the number antennas an operator can use is limiting the number of frequencies that can be accessed. Also, limiting placement of receive only dishes that cannot be done per federal rules, coloring of antennas will only decrease its overall effectiveness. He added that he understood need of protecting property values and understood that some are opposed to the radio antennas being placed on properties. He

noted that the amateur radio community understands the need for reasonable accommodations on both side of this issue. Chair Alcorn asked if amateur radio operators typically use send and receive antennas. Mr. Vancil noted that such operators do have send and receive antennas.

Chair Alcorn asked at what known frequencies do amateur radio operators broadcasts transition to satellite dishes and what percent operate at the 900 MHz range.

Bill Dale, vice president Milpitas ARRL, noted that it is not reasonable to restrict amateur radio operators to any frequencies based on FCC regulations. The proposed regulations will not stand based on FCC rules.

Commissioner Mathur asked what is meant by the term multiple antennas and what number of antennas would be a good number can be placed on a structure. Mr. Vancil noted that support structure, with a rotator, mounted with a mass, along with a satellite. However, those antennas would be mounted separately from the support structure.

Mr. Dale reiterated what is the purpose of the ordinance. Restricting the number antennas is will not be valid argument. He noted other cities have established ordinances that address this matter.

Commissioner Peterson added that a court trial on this matter would not add benefit to either party and would be expensive.

Commissioner Alisantosa added that the staff report was submitted without enough time to review the information and he felt the role of the Telecom subcommittee was being overlooked.

Chair Alcorn noted that recommendations would be made outside of the Commission to help move the process along.

Commissioner D. Gupta added he does not see the urgency move forward so quickly. He noted that the subcommittee should review the information before any recommendation is made before the Planning Commission and City Council.

Commissioner Mathur asked what was the need to move so quickly on this ordinance.

Ms. Heyden noted that the Telecom subcommittee had not met to review the proposed ordinance. She noted that the Planning Commission sought to make it a comprehensive antennas ordinance. The Planning Commission sought to deter the placement of future antennas without an established city ordinance.

Commissioner Gopalroa recommended that a freeze be placed on the installation on private radio antennas while the various subcommittees make its recommendations. Chair Alcorn thought it would require legal review.

Ms. Heyden noted that a moratorium could be temporarily placed while this proposed ordinance is under review. It would need legal review. The ordinance was to prevent other kinds of antennas being installed in the meantime without further regulation. She reiterated that currently all antennas are exempt from use permit if they are noncommercial in nature. An ordinance was needed even if that meant that future amendments were added later on in the process.

Commissioner N. Gupta said that a completely reviewed ordinance was better than an ordinance that needed review later on.

Commissioner D. Gupta noted that additional input and research would be needed to complete a comprehensive ordinance to determine what is needed in the overall document.

Commissioner Alisantosa added there are other items and issues along with the amateur radio operators' matter that will involve in this ordinance. This will affect roof top television antennas as well.

Ms. Heyden said in the introductory paragraph it states that all ordinances that are excluded from local regulation by the FCC are exempt by this ordinance as indicated by one of the audience members.

"Statement of purpose" is very helpful suggestion. She noted that reasonable accommodations would be difficult to quantify. Adding that the ordinance was developed to insure any type of the antenna is allowed with only the restriction of height. Even then there are conditions in place that will allow for retractable antennas to be installed.

Chair Alcorn asked what is exempt. Ms. Heyden noted that under subsection 15.1 - 57.02 it states that "any facilities exempt; from local regulation as per FCC regulations and the following facilities shall be exempt from obtaining a use permit and shall be permitted provided that the following conditions are met:"

Commissioner Mathur asked what would be regulated. Ms. Heyden noted that television antennas, citizens band radio antennas, satellite dishes not exempt by FCC regulations and ham antennas not meeting the prescribed criteria would be regulated.

She added that FCC regulations don't exempt local government from regulations citing the need to be reasonably accommodating to amateur radio operators. The issues addressing the proposed ordinance are the safety needs, set backs requirements, and guy wire usage (for support and only if tower and mass does not exceed more than 20 feet in height). Tower greater than 20 feet would require a substantially greater supportive structure.

Chair Alcorn requested input from the audience on this agenda item.

Mr. Vancil reiterated his concerns that he wanted to have the ordinance to benefit both parties. He noted that there are points in the ordinance that would not meet the technical needs for individual operators.

Commissioner D. Gupta reiterated the need to review the technical aspects of the ordinance.

Commissioner Gopalarao also noted that the subcommittee look into the three issues, limits of the number of antennas, receive only antennas, the height of the antennas, and color of the antennas.

Ms. Heyden added that the last version of the ordinance would be distributed to those parties interested in reviewing the document.

Mr. Glenn Thomas, Milpitas resident and local representative of the ARRL for the south county area. The PRB-1 document was provided to all the Commissioners for review. He noted that PRB-1 states that reasonable accommodations should be made for amateur radio use. The amateur radio operators in Milpitas are willing to help in developing an ordinance that is appropriate and acceptable for both parties. The planning staff has been working with the ARRL legal council in gathering information in the developing the proposed ordinance.

Chair Alcorn asked is the regulating number of antennas outside the scope of the city's area of work. Mr. Thomas noted that it is his opinion. Some cities have other guidelines and requirements already established. Federal laws already exist and changes on the local level do not add much more. The federal laws are far more detailed and specific detailing the operational use of amateur radio antennas.

Chair Alcorn, asked what is a typical antenna layout for a amateur radio operator. Mr. Thomas outlined in detail the various equipment and mounting used on his home.

Commissioner Alisantosa referring to antenna colors that was mentioned. Mr. Thomas noted that painting antennas would be limiting the technical and operational use of the antennas. Chair Alcorn asked that bare aluminum be acceptable as a color. Mr. Thomas concurred.

Commissioners Gopalarao noted that esthetics should be a matter for the Planning Commission to review. Commissioner D. Gupta noted that coloration of the antennas would fall under the technical parameters of the antennas noting that it would affect the overall operation and use. Commissioner Alisantosa reiterated that fact that the subcommittee should

meet and review the documentation and develop some recommendations.

Ms. Heyden noted that it is the Commissions concern that the antennas not be painted and that the colors should be sky blue, anodized metal. It was the concern of the Planning Commission that some antennas would be paint orange. The Commissioner added those colors can be special ordered if an amateur radio operator resided near an airport.

Debbie Norlene, licensed amateur radio operator, added that radio antenna painting reduces the ability of providing frequencies to operate from. It reduces the overall effectiveness of the antenna. She also added that during a natural disaster, such as an earthquake, the amateur radio operators were that only users to connect with family and other people. She also felt limiting the mass size and height would also limit the overall operational use during emergencies services event such as a terrorist attack.

Keith Sentic, Milpitas resident and amateur radio operator. He noted that he owns and operates his own radio per FCC licensing. It was life long goal to operate a radio. His home has satellite dish, television antenna for local channels and amateur radio antenna. His main point was that amateur radio was the only system that did not rely on the established infrastructure like most public emergency services. He noted that his license could be taken away from the FCC in appropriate use. He added the amateur radio community is already regulated heavily. The city's ordinance should not include regulation of the amateur radio community in Milpitas.

Mr. Thomas offered to provide a copies of the ARRL booklet to members of the Commission for their reference.

Mr Vancil reiterated that he wanted to help in developing this and making it beneficial for all in the community.

Commission Peterson noted that Wi-Fi antennas also need to be addressed. He added that the Milpitas Unified School District has these antennas installed. Ms. Heyden noted that the school district would be exempted from regulation.

Commission Ettinger added that residents are able to receive Wi-Fi data signals from to their homes which adds to another type of antennas that could be placed on a roof top.

Commissioner Mathur recommended on sending this to the subcommittee to review the information and return with a recommendation to the Commission.

Commissioner D. Gupta motioned that the Commission make recommendation to the Planning Commission not act on the radio antennas ordinance until the Telecommunications Commission has completed its study of the draft ordinance and provide a final recommendation.

The subcommittee motioned to meet on Thursday, March 20 and invited the amateur radio community to attend its meeting to provide input.

Chair Alcorn thanked the members of the amateur radio community in providing their input on the propose radio antennas ordinance.

5. Fiber to the Home Report: City of Palo Alto.

Staff reported on the information that was provided by the City of Palo Alto's staff regarding the fiber to the home (FTTH) connectivity project.

Additionally, the fiber to the home project currently is under a trial phase and a final recommendation will be made later this year to either recommend proceeding with the project. There are 70 Palo Alto resident participating in the FTTH project.

Staff noted that the FTTH project did obtain equipment from Marconi telecommunications company to help initiate the program. The FTTH project currently maintains and operates the telecommunications equipment as part of the overall program.

Additional information on the FTTH project was available for further investigation from if the Commission decided to investigate further.

Chair Alcorn noted that Commissioner Lam requested this information on the Palo Alto project and felt that it something that can be reviewed on a quarterly basis.

Commissioner Lam noted that it was another alternative service to possibly consider for the Milpitas community.

CIO, Bill Marion, noted that staff was reviewing alternative cable and data services that could be provided to Milpitas residents. He added that several communities, locally and nationally, have established and licensed municipal cable and data services. Some communities operate Local Multipoint Distribution Systems (LMDS) and/or Multichannel Multipoint Distribution Systems (MMDS) wireless spectrum services. Staff has gathered some basic information on these services.

Chair Alcorn asked could Commissioner D. Gupta's subcommittee take on the additional role of reviewing alternative cable and data services. He added that would prefer investigating wireless cable and data services.

Commissioner D. Gupta added the review work can be done by the subcommittee and would be interested in looking at the information.

Motion to expand that scope of the cable television franchise subcommittee to review information involving alternative cable and data services.

M/S D. Gupta/W. Lam Ayes: 10

Motion to note receipt and file of the report

M/S R. Gopalara/A. Ettinger Ayes: 10

6. Update of cable franchise AT&T-Comcast.

CIO, Bill Marion, provided a staff report on the ongoing review of the cable television franchise fees audit, technical audits and testing of the overall Milpitas cable television system.

Commissioner D. Gupta reported that a new draft of the survey was completed and changes have been made based on the discussion from the previous Commission meeting. He noted that the survey has been reduced to five pages.

Commissioner Gopalarao asked if a pilot program was needed to test the survey before presenting it to the public.

Commissioner D. Gupta added that the survey should take 10 to 12 minutes to complete. The survey offers opportunities for the participant to end the discussion at anytime during the process.

Commissioner Peterson noted that a great job of reviewing that document. Chair Alcorn agreed and should adopt the survey.

Motion to approve and adopt the final draft of the cable television questionnaire survey.

M/S D. Gupta/R. Gopalarao Ayes: 10

Chair Alcorn motioned that Commissioner Dinesh Gupta be the main point of contact on all issues regarding the cable television franchise renewal and work with city staff.

Motion to make Commissioner Dinesh Gupta as main contact for the Telecom Commission for the cable television franchise review work.

M/S A. Alcorn/ V. Mathur Ayes: 10

Commissioner Peterson added that a notice be placed in the Milpitas Post notifying the community of this telephone survey. Vice Chair N. Gupta added that information should be placed on the city's cable television channel 15.

7. February '03 Month I.S. Report.

CIO, Marion reported on the monthly activities of the Information Services Department. The focus of the presentation was a report to be given to the City Council at its March 18 meeting.

Staff was providing a summary of recommendations involving the broadcast of the city council meetings over the Internet and on the City's radio station 1620 AM. Costs to provide an audio connection to the City's radio station has been budgeted for \$500 and would require sending an audio connection to the radio room located at the City's Public Works – Police/Fire dispatch center. Audio controls would be done through software and existing telephone services.

In the area of web casting the City's public meetings, staff has researched the options of hosting the web casting process or contracting through an outside service. It was found that it was far less expensive to contract with an established service to web cast the city's meetings. Staff added that most information from web cast meetings is after the fact. Internet users sought out information from specific sections of a meeting. One service provided indexing and data attachment to the web cast meetings.

One service being considered would allow the City to do all the web casting services, indexing and six month archiving for \$23, 900. Staff is seeking recommendation to the service and would start on July 1, 2003 for a one-year trail.

Chair Alcorn asked the Commission to provide its approval and support for the radio and web-casting project. The Commissioners noted that it was in full support of the project.

Motion to support the web-casting project.

M/S A. Alcorn/ V. Mathur Ayes: 10

CIO, Marion reported on a monitoring software program that provides information and data on the city's servers. Statistical information, such as the CAD Mobile server, has also been added to the monthly report data. Staff was seeking the availability and service time of the servers in the data center in order to provide performance measures that can be reported back to management.

Finally, staff reminded the Commission that the City Clerk's Office was seeking the groups Form 700 submittals for annual filings for the City's records.

Chair Alcorn asked of the mobile laptops on the police vehicles. A total of 30 vehicles are outfitted with the mobile data service. Information Services has moved the backend application to a new faster server with new communications software. As for the Fire Mobile data role out, staff reported that an RFP for the new CAD system should back by early April. Once that is resolved rolled installation will be done to 26 fire service units.

Motion to note receipt and file.

M/S N. Gupta/D. Gupta

Ayes: 10

8. Round Table Discussion.

Commissioner Gopal Rao reported on a news article from the San Jose Mercury News regarding cellular 911 calls in the area. He noted that the cell caller was transferred several times to various dispatch centers to report a drunk driver situation before hanging up.

Staff reported that, currently, all 911 cellular calls are handled through CHP in Vallejo, California, and then transferred to the appropriate local jurisdiction. The FCC has mandated that commercial cellular services to provide positioning information to aid in dispatching emergency services. By 2005 this should be integrated so that cellular calls can be handled appropriately.

Commissioner D. Gupta noted that the State of Oregon has a law requiring cellular calls to be reported to law enforcement dispatch centers. He noted that the California does not have such a program.

Currently, Milpitas is working with integrate emergency cellular calls based on cell sites and sectors within the City of Milpitas. As the program progresses additional data and location information will be added to the call providing better response and dispatching of emergency personnel.

VIII. Adjournment of Meeting

Chair Alcorn requested a motion to adjourn to Monday, April 21, 2003.

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